

AMENDMENTS TO LB 647

Introduced by Urban Affairs.

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. (1) A city of the first or second class or
4 village shall provide written notice of a proposed annexation to
5 the owners of property within the area proposed for annexation in
6 the manner set out in this section.

7 (2) Initial notice of the proposed annexation shall be
8 sent to the owners of property within the area proposed for
9 annexation by regular United States mail, postage prepaid, to the
10 address of each owner of such property as it appears in the
11 records of the office of the register of deeds or as the address
12 is determined from another official source, postmarked at least
13 ten working days prior to the planning commission's public hearing
14 on the proposed change with a certified letter to the clerk of
15 any sanitary and improvement district if the annexation includes
16 property located within the boundaries of such district. Such
17 notice shall describe the area proposed for annexation, including
18 a map showing the boundaries of the area proposed for annexation,
19 and shall contain the date, time, and location of the planning
20 commission's hearing and how further information regarding the
21 annexation can be obtained, including the telephone number of
22 the pertinent city or village official and an electronic mail or
23 Internet address if available.

1 (3) A second notice of the proposed annexation shall be
2 sent to the same owners of property who were provided with notice
3 under subsection (2) of this section. Such notice shall be sent by
4 regular United States mail, postage prepaid, to the owner's address
5 as it appears in the records of the office of the register of
6 deeds or as the address is determined from another official source,
7 postmarked at least ten working days prior to the public hearing of
8 the city council or village board on the annexation. Such notice
9 shall describe the area proposed for annexation, including a map
10 showing the boundaries of the area proposed for annexation, and
11 shall contain the date, time, and location of the hearing and
12 how further information regarding the annexation can be obtained,
13 including the telephone number of the pertinent city or village
14 official and an electronic mail or Internet address if available.

15 (4) No additional or further notice beyond that required
16 by subsections (2) and (3) of this section shall be necessary if
17 the scheduled public hearing by the planning commission or city
18 council or village board on the proposed annexation is adjourned,
19 continued, or postponed until a later date.

20 (5) Except for a willful or deliberate failure to cause
21 notice to be given, no annexation decision made by a city of the
22 first or second class or village to accept or reject a proposed
23 annexation, either in whole or in part, shall be void, invalidated,
24 or affected in any way because of any irregularity, defect, error,
25 or failure on the part of the city or village or its employees
26 to cause notice to be given as required by this section if a
27 reasonable attempt to comply with this section was made. No action

1 to challenge the validity of the acceptance or rejection of a
2 proposed annexation on the basis of this section shall be filed
3 more than one year following the date after the formal acceptance
4 or rejection of the annexation by the city council or village
5 board.

6 (6) Except for a willful or deliberate failure to cause
7 notice to be given, the city of the first or second class or
8 village and its employees shall not be liable for any damage to
9 any person resulting from failure to cause notice to be given
10 as required by this section if a reasonable attempt was made to
11 provide such notice. No action for damages resulting from the
12 failure to cause notice to be provided as required by this section
13 shall be filed more than one year following the date after the
14 formal acceptance or rejection of the proposed annexation, either
15 in whole or in part, by the city council or village board.

16 (7) For purposes of this section, owner means the owner
17 of a piece of property as indicated on the records of the office
18 of the register of deeds as provided to or made available to the
19 city of the first or second class or village no earlier than the
20 last business day before the twenty-fifth day preceding the public
21 hearing by the planning commission on the annexation proposed for
22 the subject property.